

State of Michigan



Pesticide Advisory Committee



Fiscal Year 2004 Annual Report

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PAC Fiscal Year 2004 Annual Report

The Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, Part 83, Pesticide Control, is administered by the Michigan Department of Agriculture (MDA) through the Pesticide and Plant Pest Management Division (PPPM). The Pesticide Advisory Committee (PAC) was established under Section 8326 of Part 83, to advise and consult with the Director of the MDA in the administration of the Act.

Under the Act, the PAC is required to publish an annual report to the Governor and the Legislature. This report reflects the enforcement actions taken by PPPM during FY 2004 (October 1, 2003 to September 30, 2004).

The 14-member PAC includes five representatives from governmental and university agencies and nine representatives from citizen and industry groups. Representatives from the citizen and industry groups are private citizens chosen for their knowledge and technical expertise in specific areas set forth in Section 8326, Part 83 of Act 451. A current membership list is appended to this report.

Section 8326(4)(e) specifies four major areas to be detailed in this report, including:

1. A review of the recommendations of the PAC.
2. Recommendations regarding amendatory language for the Act.
3. Recommendations regarding resources necessary to adequately implement the Act.
4. A summary of annual enforcement actions taken under the Act.

MEETINGS

The Pesticide Advisory Committee (PAC) meets quarterly, with occasional supplementary meetings called by the Director to address special concerns in a timely manner. The meetings were held in October 2003, and January, April, and July 2004.

COMMITTEE RECOMMENDATIONS

Recommendations made to the Director by the Committee from October 2003 through September 2004.

Members of the PAC considered a written request from the Michigan Organic Food and Farm Alliance, Inc., to increase the awareness for those non-organic farmers applying pesticides regarding the effects of drift when it occurs to organic farms. Responding to this request, the PAC passed a recommendation that the Michigan Department of Agriculture (MDA) draft a press release for trade journals concerning the effects of drift to organic farms with specific mention of decertification and possible loss of revenue for the organic grower. MDA's, Office of Communications prepared a press release for future educational use.

The PAC also heard concerns regarding fumigant applications and the improper use of personal protective equipment (PPE) as well as the inappropriate replacement of closed cabs when not using respirators. Fumigators using the product Telone (a.i. 1,3 dichloropropene) must meet certain respiratory requirements such as fit testing with the respirators of choice. The PAC recommended that MDA send a letter to restricted use pesticide (RUP) dealers and applicators to inform them of the respiratory requirements on the label when using 1,3-dichloropropene products. Two safety alerts were distributed to dealers and applicators in the State of Michigan: one regarding the proper precautions for wearing respirators, and the other for using closed cabs for respiratory protection. These safety alerts were also shared with all other EPA Region 5 States, other EPA Regions, and EPA Headquarter staff in the Office of Pesticide Programs and the Office of Enforcement and Compliance Assistance.

The MDA, Director also received a request for the ban on the sale and use of all forms of lindane. The Director asked the PAC to consider the request and advise him on the appropriate actions. After thorough consideration, PAC members approved a recommendation to the Director that the Department should not ban the registration, sale, and use of lindane for agricultural uses in Michigan. The majority health and environmental risks of lindane come not from legal agricultural use, but from medical doctors prescribing lindane as a treatment on humans for lice and scabies. None of these medical uses are regulated by MDA.

COMMITTEE DISCUSSIONS

- ♦ Michigan State University (MSU) researchers discussed recent study results with the committee on Emerald Ash Borer (EAB). Much research has been accomplished since the first discovery of EAB last year, particularly regarding the biology and life cycle of the borer. Research teams found the females live 3 to 4 weeks eating and laying their eggs during this time. In 2003, adult emergence occurred between June 4 and 6, with the peak activity around July 4 and the last activity August 15. The females normally lay about 60 – 90 eggs. Researchers found and photographically documented the eggs at different stages, from being laid until larvae emergence. Photographic documentation continued to show the continued growth of the larvae and transformation through various instars into the adult borer.

Information was gathered concerning the efficacy of various pesticide treatments on larvae and adults. Trials were run on different type of pesticides applied by different methods; soil injections, trunk injections, and foliar spraying using Imidacloprid and Bidrin. Bidrin is considered a pesticide with greater health and environmental risks due to its toxicity and residual qualities. Two applications were made at most test locations. Neither insecticide was 100% effective.

MSU researchers also studied host preference. In the laboratory, attempts were made to force the borer to eat and lay eggs in black walnut, elm, and hickory. the borer in some instances would starve rather than feed on different hosts. In cases where the borer did feed, death occurred shortly thereafter. The life cycle and insecticide efficacy testing will continue.

Throughout the year, MDA staff distributed EAB information that discussed current scientific findings and updated the PAC regarding efforts by the Department to eradicate the pest. Information is available on the MDA website: www.michigan.gov/EAB and the EAB website: www.emeraldashborer.info.

In brief, there were a number of outliers under investigation in 2004 (positive locations where the borer has found outside the generally invested area). Most outliers have been traced to nursery stock or firewood that was moved prior to the quarantine being established in July 2002. Two notable locations were Shields, Michigan where approximately 20,000 ash trees needed to be removed and Delta Township where approximately 10,000 trees were slated for removal. Removals were also conducted at Saint Joseph, Marshal, Wyoming, Roscommon, Potterville, Lansing, Quincy, and Cotrellville.

The department prior to conducting Ash removal, finalized a DECLARATION OF NUISANCE AND NOTICE OF PUBLIC HEARING, in accordance with Michigan Public Act 189. State law requires that the Director of the MDA must declare EAB a “nuisance pest” before any eradication activity can begin, The state provided the general public with an opportunity to provide comment during official public hearings. To accommodate as many residents as possible, public hearings were held in Saginaw, Grand Rapids, Lansing, and Wayne. A report on the public hearing including all comments was submitted to the MDA director for his review and consideration and to determine eradication measures prior to cutting trees.

The declaration of nuisance was signed on February 9, 2004. Public meetings were held at other outlier sites where trees have been marked prior to removal. The tree removal began at the end of February, 2004.

Concerns were raised that people having infested trees may be sold pesticide applications that are neither efficacious nor economical. MSU is continuing their research on pesticide options and will report the results to the PAC, MDA, and public. The eradication plan in the outlier areas consists of cutting Ash trees and chipping the material to one inch size in a ½ mile radius around a positive EAB find. The chips are hauled to Mid Michigan Recycling (a co-generation plant) for electrical generation. Trap trees will be in the outlier areas to monitor for EAB for 3 years after removal of surrounding ash trees.

Another concern was the movement of firewood from the quarantined area of the state. Firewood blitz campaigns were held over major camping holiday weekends and the firearm deer season to intercept the movement of firewood along Michigan major motor vehicle routes. Education about the quarantine continues via TV and radio spots. Roadside signs indicate when entering and exiting the quarantine areas.

The Department and DMB are working with the Governor's office to obtain state contracts for tree removal in cooperation with communities in quarantine areas of Southeast Michigan. These contracts will allow for removal of dead and dying ash trees from both municipal and private properties at landowner's expense. DNR provides restoration grants to communities.

The EAB infestation also extends into Ontario, Canada. Canada's EAB infestation in the Windsor area is similar to that in the United States. Control measures and research efforts mirror work conducted in the U.S.

- ◆ MDA provided the PAC membership with a draft document entitled, “Michigan Food and Agriculture Protection Strategy”. This document is a result of the National Homeland Security Strategy and is being coordinated by MDA’s Food Division and will be used to bring work groups together to gather input regarding food safety and food protection. The first workgroup meeting was scheduled for October 23, 2003. and was comprised of members from the Food and Dairy, Animal Industry, and Pesticide and Plant Pest Management Divisions and stakeholders outside the department. This group determined the Department’s emergency management needs and initiatives to assist the statewide emergency management program. MDCH contributed \$200,000 from a CDC bioterrorism grant for assistance with the creation of this strategy.

Priority activities for 2004 are to conduct threat assessment, evaluate agricultural vulnerabilities and plan risk reduction strategies and training. All agriculture business (farms, foods, establishments, nurseries, etc.) should conduct a self-assessment of their facility/area. For example, inventories should be conducted and maintained and locks should be in place to prevent access to hazardous chemicals. The self-assessment begins with the individual, and expands to the community, to the city, to the state, and then to the nation. It is imperative to focus on controls and where are we most at risk. It is also necessary that we acknowledge our vulnerabilities and to identify the best practices to protect and strengthen agriculture.

Security and preparedness issues are always changing, many at rapid paces. It was noted that agriculture leaders must be involved and PAC members were invited to participate in the department’s efforts.

- ◆ The MSU Pesticide Safety and Education Program works with the MDA Pesticide Section to carry out applicator certification and training. Under a Memorandum of Understanding, the program conducts training and education in at least eight major areas. Each quarter, the Pesticide Education Program reports its activities to the PAC.

The Pesticide Education Program develops and revises applicator-training manuals of which several were completed in FY 2004, including Category 1C, Fruit Crop Pest Management and the Spanish version of the Michigan Core Manual. Several manuals are in the process of being revised: Category 5B, Microbial Pest Management; Category 9, Regulatory Pest Management, the National Core Manual; Michigan Core; and Category 3B, Ornamental Pest Management Manual.

The Pesticide Education Program creates other pesticide-related materials as follows. Pesticide Notes is now being sent via e-mail on the 15th of each month to interested persons in government, industry and academia. “Bubble Sheets Gone Bad” on the MSUE website – this is a slide show for pesticide seminar hosts to show them possible problems associated with seminar bubble sheets. A slide set of Chapter 2 Part B of the Pesticide Applicator Core manual was put together in electronic format and is now available on the Web at: <http://www.pested.msu.edu/BullSlideNews/slides/CertificationSlides.html>. MSU also developed an applicator card bulletin for MDA to show updates in new certification cards.

The Pesticide Safety Education Program has moved into the Department of Entomology. Due to budget constraints this office now consists of two staff persons.

- ◆ MDA provided the PAC with pesticide enforcement activity reports. More detailed information is provided in the next section under, "Enforcement Actions Taken Under Act 451, Part 83, Pesticide Control." Road checks are down in 2003 due to need to utilize staff in other program areas. One notable complaint was filed by a person who had purchased a home. Upon renovating the residence, a white powder was noted in an unused, upstairs room. Upon questioning the previous owner, it was learned that prior to selling the property, an application of Rozol Tracking Powder had been applied to control bats; the product is not labeled for controlling bats.

Federal market place inspections were conducted to collect evidence for EPA on flea and tick products (Advantage and Frontline) believed to be counterfeit pet products in the channels of trade. The product was discovered when a dog became ill after the application of one of the products. A foreign (not U.S. regulated/registered) product was substituted for its U.S. counterpart. The investigation has revealed that one Michigan firm has sold over 1,000 boxes of the product. A total of nine marketplace inspections were conducted and the results forward to EPA for enforcement action.

The PAC discussed the pesticide label for 1,3-dichloropropene (a.k.a. Telone C-17). This is a fumigant for agricultural products. The label includes very specific respiratory protection issues that require the applicator to be fit and fitness tested prior to use of the product. MDA has concerns regarding the label because of these requirements. MDA records and Pesticide Sales Registers were searched to determine how many businesses sell Telone and the number of fumigations completed in the state. There is some concern from PAC members about fulfillment of this label requirement and the availability of facilities to do respirator testing.

A recommendation was made that MDA send a letter to RUP dealers/companies and applicators to inform them of the label respiratory requirements when they use 1,3-Dichloropropene products. The recommendation was seconded and was approved.

- ◆ House Bill 5154 amending Act 451 was approved by the legislature in 2004. The most notable changes are: 1) new standards regarding parental notification when pesticides are applied to schools and day care facilities, 2) calls for day cares to establish an integrated pest management (IPM) plan, and 3) calls for MDA to develop a model IPM policy for schools. The new law does not cover microbiocides and does not require applicators in day care centers to be trained in IPM. Several PAC members will assist MDA staff to help develop the model IPM policy. MDA is to develop the policy and make it available to all school districts, intermediate school districts, public school academies, and private schools by March 10, 2005.

The MDA Agricultural Commission on June 16, 2004 approved the request for rulemaking on amendments to Regulation 637 (Pesticide Use). Rulemaking takes approximately 18 months from start to finish. The reason for amending Regulation 637 is that since Act 24 passed this law does not require applicators in day care centers to be trained in IPM which is in conflict with Regulation 637.

- ◆ Ms. Carol Osborne representing the Michigan Organic Food and Farm Alliance (MOFFA) sent the PAC chairperson, Dr. Brian Hughes a letter alleging that farmers have little regard for drift issues. MOFFA's request was to have the committee consider addressing the need for education regarding drift reduction/elimination through articles placed in farm publications. A discussion was held concerning drift in general and how it would affect an organic farm. Michigan has "zero" tolerance for drift and precautions against drift are usually listed on pesticide labels. After deliberation, there was a motion to accept the following recommendation,

The PAC recommends MDA draft a press release for trade journals concerning the effects of drift to organic farms with specific mention of decertification of the farm and possible loss of revenue for the organic grower." The PAC passed the recommendation by a seven-to-two vote. The matter was referred to MDA's, Office of Communications to prepare information for conventional farmers on drift and its potential impacts on organic farmers. The information will be available for the 2005 growing season.

- ◆ The director of the Animal Industry Division and State Veterinarian gave the PAC a history of Bovine Spongiform Encephalopathy, BSE (mad cow disease). This disease is a prion protein-based disease recently found in the US.

The United States closed its borders to live animal imports in 1989 after the first reported cases of hoof and mouth disease in England. The U.S. also became vigilant about feed that contained protein products from sheep. The U.S. changed its rendering process to disallow rendered waste from affected cattle. England banned rendered meat or bone meal sales, however, there were black market sales and these are believed to be the cause of reoccurrence of the disease. The disease has a very long incubation period, from three to seven years. No live animals or products from rendering plants in England are allowed entry into the U.S.

In 1997, the U.S. banned the feeding of mammalian protein feed to other ruminant animals. These restrictions were applied to meat and bone meal labeled products. The surveillance of slaughterhouses was increased in the U.S.

In May 2003, a Canadian cow that was thought to have had pneumonia was sent to slaughter. Later analysis determined the animal was infected with BSE. The U.S. then put strict restrictions of no animals, products, or beef from Canada.

The U.S. population is very confident in our food safety. No detected decrease in the consumption of beef and been noted. Michigan has been tracking animals for possible TB with an animal identification system. In the event of a BSE type incident, this process has placed Michigan ahead of many other states in developing a statewide tracking system for herd animals.

- ◆ A list of Section 18 exemptions for 2004 was distributed to the committee. MDA staff explained that a Section 18 exemption allows the use of a pesticide on a crop that is not listed on the product label when there is an immediate problem and when there is not another product that is effective. The section 18 is valid for one year. A 24(c) special local need exemption (SLN) is defined under 40 CFR, Part 162, subpart D, as "an existing or imminent pest problem within a state for which the state lead agency has determined that an appropriate federally-registered product is not

sufficiently available.” The request for a SLN registration comes from the registrant who must send supporting documentation to MDA to review prior to granting the request. The department can issue an SLN if documentation warrants it. MDA must notify EPA of the registration. The state registration can be valid for a period of five years. Among the Section 18s being sought for Michigan are those for fungicides against Soybean Rust. Soybean Rust is an exotic plant pathogen which can devastate the US yields of soybean and other legumes. There is no current infestation in the US; however, it is anticipated to arrive within the next few years. The issuance of these Section 18s is a proactive step in preventing serious economic loss when the pathogen appears.

- ◆ In response to the current worldwide phase out of methyl bromide, the United States is scheduled to stop non-urgent use of methyl bromide by 2005. Michigan has critical use exemption (CUE) requests for use of methyl bromide beyond the 2005 phase out date on tree seedlings, field grown perennials, tomatoes, peppers, muskmelon, zucchini, eggplant, cucumbers and watermelon. The U.S. requested clearance from the international committee for a very large amount of methyl bromide to be used beyond 2005 under various CUE's. This resulted in other countries threatening to change their allotment requests, which ultimately resulted in international meeting being scheduled for March of 2004.
- ◆ The Michigan Department of Environmental Quality, Inland Lakes Remedial Action Unit staff gave a presentation about Aquatic Nuisance Control in Michigan waterways. Act 368 gives DEQ the authority to permit aquatic pesticide applications. Under discussion was the permit system that is used by DEQ when applicators plan to treat waterways for nuisance pests/plants. In particular the exemptions, procedures to apply for the permit, what type aquatic areas require permits prior to a pesticide application, and what chemicals are used. The procedure is in the process of being streamlined to facilitate a more expedient approval and a much shorter wait until the permit is approved. DEQ also surveys waterways testing the water clarity and to conduct 30 to 40 compliance reviews each year. DEQ conducts joint reviews with MDA's, PPMD. DEQ, Permitting Division also approves permits for pesticide applications to surface water and catch basins to assist in the prevention of West Nile Virus. Applications are completed and sent to DEQ. No fee is required. Only larvicide applications are allowed to surface water and catch basins. Contact information and forms may be obtained from the DEQ website at <http://www.michigan.gov/deq>.
- ◆ On July 16th, 2004, the Pesticide Advisory Committee (PAC) for the Michigan Department of Agriculture met to discuss a petition from the Michigan Environmental Council to ban the sale use and prescription of lindane in Michigan. The agenda included a review of the petition by the PAC member who represents nongovernmental organizations for environmental preservation. The PAC also heard information on toxicology, current uses, and regulations from MDA Pesticide Program staff and a pharmacy specialist from the Michigan Department of Community Health. After much discussion, PAC members approved a recommendation to the MDA that the Department should not ban the registration, sale, and use of lindane for agricultural uses in Michigan and that no further action by the MDA is currently needed. The majority of health and environmental risks of lindane come not from legal agricultural use, but from medical doctors prescribing lindane as a treatment on

humans for lice and scabies. The pharmaceutical prescriptions sometimes are misused, they directly expose small children, and they lead to contamination of municipal water treatment facilities. None of these medical uses are regulated the Michigan Department of Agriculture.

Another important consideration for the committee was that lindane insecticides recently underwent an EP A risk assessment as part of a reregistration eligibility decision (RED) published in 2002. The majority' of uses were cancelled over the years: the remaining specialty seed treatment uses on-farms pose few risks. Changing lindane formulations, label requirements, and product use rates mitigated problems identified in the RED. There is no reason to believe that the MDA could do a better assessment of lindane, or that the Department would reach a different conclusion than EP A. The Committee thus recommended that agricultural use of lindane be maintained in Michigan.

Other Items of Interest:

- ◆ Worthy of note was Governor Granholm's address to MDA employees at the all employee meeting on November 25, 2003. This meeting will showcased Governor Granholm's vision and values training program. All state departments have been asked by the Governor to participate in this training. MDA currently employees 610 staff and anticipates hiring 60 more staff for the EAB project.
- ◆ MDA continued and expanded its Gypsy Moth Suppression program. A map was distributed indicating the counties involved with the Gypsy Moth Suppression during 2004. The suppression program provides pest relief to the homeowners. The acreage is higher during 2004. There are a number of items that contribute to the increase including the weather, natural predators, and the cycle of the Gypsy Moth.
- ◆ The Michigan Department of Community Health (MDCH) distributed information and gave a brief summary of the Michigan Occupational Pesticide Illness and Injury Surveillance Project. The project is funded by an EPA grant. The goals of the system are to collect data about the extent and severity of occupational pesticide poisoning in Michigan and to reduce the incidence of acute pesticide-related illnesses and injuries. MDCH has referred four cases to MDA. Summaries of the cases were provided to the PAC.
- ◆ The PAC was continually updated on division activities regarding WNV. The first 2004 human case in Michigan was verified on June 26. For more information, the government sites for West Nile virus include:
<http://www.michigan.gov/emergingdiseases>
<http://www.michigan.gov/mda/0,1607,7-125--67015--,00.html>

ENFORCEMENT ACTIONS TAKEN UNDER ACT 451, PART 83, PESTICIDE CONTROL

In FY 2004, the pesticide program's enforcement activities continued to address significant issues of pesticide misuse, uncertified or unregistered applicators, unlicensed commercial pesticide applicator firms, and non-compliance with state statutory requirements. The enforcement program oversees inspection and investigation activities for the pesticide section. These activities include:

- Conducting pesticide use/misuse investigations
- Inspecting pesticide producing establishments and pesticide marketplace locations
- Auditing of restricted use pesticide (RUP) dealer sales and commercial applicator records
- Addressing pesticide use violations related to food safety and farm worker protection
- Implementing federal and state targeted compliance monitoring initiatives

Other enforcement activities include marketplace surveillance for unregistered pesticides and proper pesticide labeling, contacts with applicators and RUP dealers to assure compliance with certification and licensing requirements, and special projects like the federal Urban Initiative.

Use Investigations

MDA conducted 153 pesticide use investigations (UIs), of which 35 occurred in agricultural situations and 118 occurred in non-agricultural situations. Of the agricultural use investigations, 18 involved commercial applicator firms, 6 of which involving aerial application firms. Approximately eighteen investigations involved private applicators.

Of the 118 Non-Ag UIs, 1 involved a homeowner, 1 was unclassified and 116 involved commercial applicators in the following categories:

Category of the Commercial Applications	Number of FY'04 Use Investigations
Homeowner	1
Forestry (2)	1
Turf Grass (3A)	62
Ornamentals (3B)	11
Aquatic (5)	4
Right of Way (6)	2
General Pest Management (7A)	20
Wood Destroying Organisms (7B)	9
Vertebrate Pest Management (7D)	1
Mosquito (7F)	5
Small Animal (7G)	1
Other	1
Total	118

The total number of complaints (153) filed with MDA in FY'04 increased approximately 16% from the 132 filed in FY'03. This compares to a decrease of 20% from 2002 to 2003. Complaints were filed for numerous reasons as shown in the following table:

Primary allegation of complaint	Count
Drift	39
Not licensed	36
Misuse	27
Notification	13
Not certified/registered	11
Miscellaneous: IPM (1), Misbranded product (1), Recordkeeping (1), and Other (7)	10
PPE	6
Exposure	6
Customer information/consent/posting	5
Total	153

UI Enforcement

MDA closed 70 of the 153 total FY'04 UIs during FY'04, noting that 67 of the complaints (44%) were received after June 1, 2004. During FY'04, MDA also closed 48 cases from FY'03 and 10 cases from FY'02. During FY'04, MDA implemented a process to track the age of an investigation so that regional offices and the central office can monitor the time required to close cases and work toward our goal to close all investigations within 90 days of receiving the complaint.

The following chart provides a general idea of the public sector that contacted MDA in FY'04 with complaints concerning pesticides.

FY 2004 Use Investigation Complaint Sources

Complaint Source	Number of Complaints
Private Citizens	91
MDA, PPPMD	30
Anonymous	20
Business	9
Other Government Agencies	3

During FY'04, MDA regional offices continued to take action on investigations that resulted in the determination that no violations either occurred or could be confirmed. The regional offices closed those cases with disposition or advisory letters. Investigations that resulted in the determination of a low-level violation continued to result in a warning letter being issued from the regional office under signature of the regional supervisor. The majority of these letters required a 20-day written response to MDA from the firm/individual involved. Any enforcement action more severe than a warning letter continues to be coordinated through the MDA Lansing office and the Pesticide Enforcement Manager.

MDA continued to issue Notices of Intent (NOIs) that outline MDA's intent to initiate administrative proceedings or criminal prosecution actions. The NOI provides MDA an opportunity for a settlement in the form of a consent agreement and final order as well as a civil penalty. Since the initiation of the process in June 1997, over 440 cases have been settled through this process to date.

FY'04 Use Investigation Enforcement Actions

Enforcement Action	Count
None required	9
Disposition Letter	12
Advisory Letter	4
Warning Letter	30
Informal Hearing	1
Notice of Intent	12
Not yet closed	83
Withdrawn	2
Total	153

The NOI process resulted in the collection of \$54,785 in civil penalties in FY'04 and \$249,418 to date. The enforcement program collected total enforcement fines resulting from administrative proceedings, informal hearings, NOIs, and formal hearings.

The NOI negotiation process has also afforded the opportunity for supplemental environmental projects relating to pesticide use issues. In FY'04, \$5,625 was used to sponsor supplemental environmental projects.

Planned Use Inspections

MDA conducted 85 Planned Use Inspections (PUIs) in FY'04, representing a 121 % achievement of the FY'04 MDA/EPA grant commitment. Of these, 29 were agricultural PUIs; 25 of which involved private applicators, and 4 of which were with commercial firms. MDA conducted 56 PUIs at non-agricultural sites, 50 of which were conducted at commercial pesticide application firms.

Pesticide Contacts

Through the pesticide contact (PCT) tracking system, a total of 1,266 inspections/contacts were recorded in FY'04. These include targeted inspections of specific pesticide use activities, road check inspections, informational contacts, compliance assistance and outreach, and monitoring for compliance with state regulatory requirements. Some contacts contain specific orders to stop prohibited conduct such as failure to renew the firm's commercial pesticide applicator license. During the outdoor application season, MDA conducted approximately 143 road check inspections. Most of these inspections involve the observation of a pesticide application. At a minimum, MDA inspects the application equipment and applicator records along with conducting a comprehensive interview with the applicator. The focus of the inspection is to identify the areas of Act 451 and Regulations 636 and 637 in which the firm is in compliance.

MDA regions issued 453 contacts to commercial firms regarding licensing issues (notification of requirements, response to inquiry, or follow-up on non-renewal. MDA made 96 contacts with IPM regulated facilities, primarily with schools regarding IPM and parental notification requirements. MDA issued approximately 418 Stop Orders from the Lansing Office to pesticide application businesses that did not to renew their license for 2004 in a timely manner.

FY 2004 Pesticide Contacts

Contact	Number of Contacts
Regional Letters on Licensing	453
Stop Orders to Firms Failing to Renew	418
Road Check	143
Pesticide Use Concerns	131
Total IPM Contacts	96
WPS Follow-up	12
Other	13

Inspections target pesticide label use directions for the products being used, licensing, certification, customer service agreements, application information and personal protective equipment. Most road checks are conducted with firms working in the turf and ornamental industry.

From the FY'04 contacts, MDA issued 642 Stop Prohibited Conduct Orders, 57 warning letters, 16 advisory letters, and 10 Notices of Intent.

Producer Establishment Inspections

During FY'04, MDA conducted 31 Pesticide Producer Establishment Inspections (PEIs), the majority of which have already been referred to EPA for enforcement action or review. These inspections represent an accomplishment of 86% of the commitment in this program area for FY'04. In FY'04 it was necessary to shift federal resource commitments to accommodate the large number of marketplace inspections (import and pet product) requested by EPA. Twenty-one inspections were conducted at bulk repackagers. Sixteen inspections specifically included WPS product label reviews for a total of 70 pesticide product label reviews. Eighteen inspections specifically targeted antimicrobial pesticides with a total of 38 different documentary samples collected for label reviews and 1 formulation sample collected for analysis (as part of the national EPA antimicrobial initiative).

Federal Marketplace Inspections

During FY'04, MDA conducted 29 federal Marketplace Inspections (MPIs), the majority of which have been referred to EPA for enforcement action or review. These inspections represent a 181% accomplishment of the commitment in this program area for FY'04. Ten inspections resulted in physical samples being collected. Of specific note was the comprehensive inspection done at 9 different branch locations of a pet supply company found to be distributing counterfeit Frontline and Advantage products. MDA also assisted EPA by conducting 6 import inspections at both Port Huron and Detroit.

Pesticide Applicator Business Licensing (PABL)

As of 10/18/2004, 1,830 companies were licensed as commercial pesticide application businesses for the 2004 calendar year. 213 applications for new licenses were received from the period of 10/1/2003 through 9/30/2004. Similar to FY'03, MDA saw a 38% increase in the number of firms adding mosquito application services. A number of these additions resulted from a large nation-wide firm that implemented a new training module for their branches.

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2004 Members

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Delbert Finup	Representing	Licensed Aerial Applicators
Teresa Hendricks	Representing	Farm Employees
Russell Ives	Representing	Michigan Pest Control Association
Philip J. Korson II	Representing	Agricultural Producers
R. Michael Kelly, MD	Representing	Medical or Health Science Profession Experienced in Toxicology of Pesticides
Roger Wabeke	Representing	Non-Governmental Organizations with Human Health Interests
William Weil, MD	Representing	Non-Governmental Organizations for Environmental Preservation